

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JANET PORTER, as Personal Representative for the Estate of Harry E. Porter (deceased),

NO: 4:16-CV- 5077-RMP

Plaintiff.

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RICHLAND MEDICAL  
INVESTORS, LLC, doing business as  
Life Care Center of Richland; LIFE  
CARE CENTERS OF AMERICA,  
INC; JOHN DOES 1-5; and JANE  
DOES 1-5.

ORDER GRANTING STIPULATED  
MOTION TO AMEND THE  
AMENDED COMPLAINT AND  
REMANDING CASE TO STATE  
COURT

## Defendants.

BEFORE THE COURT is Plaintiff's Stipulated Motion to Amend the

Amended Complaint and for Remand, ECF No. 15. The Court has reviewed the

motion, the pleadings, and is fully informed.

On June 7, 2016, this case was removed from Benton County Superior Court.

to the United States District Court, Eastern District of Washington. *See* ECF No.

<sup>1</sup> Plaintiff filed a First Amended Complaint ECF No. 6 on August 24, 2016.

ORDER GRANTING STIPULATED MOTION TO AMEND THE AMENDED  
COMPLAINT AND REMANDING CASE TO STATE COURT ~ 1

1 Plaintiff now seeks to amend her complaint again, adding a defendant who is a  
2 citizen<sup>1</sup> of Washington State and, therefore, destroying complete diversity. As this  
3 Court's jurisdiction was premised on diversity jurisdiction pursuant to 28 U.S.C. §  
4 1332, the addition of Dr. Victor O. Brooks as a defendant in this case removes this  
5 Court's subject matter jurisdiction. Therefore, the case shall be remanded to state  
6 court pursuant to 28 U.S.C. § 1447(e).

Defense counsel does not oppose the amendment or remand.

**Accordingly, IT IS HEREBY ORDERED:**

9       1. Plaintiff's Stipulated Motion to Amend the Amended Complaint and for  
10      Remand, **ECF No. 15**, is **GRANTED**.

11 || 2. This case is remanded to Benton County Superior Court.

12 The District Court Clerk is directed to enter this Order, provide copies to  
13 Counsel and to the Benton County Superior Court Clerk, and **close this case**.

14 | **DATED** this 20th day of January 2017.

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*s/ Rosanna Malouf Peterson*  
ROSANNA MALOUF PETERSON  
United States District Judge

<sup>1</sup> Plaintiff alleges that the Defendant added to the Amended Complaint, Dr. Victor O. Brooks, is a “resident” of Washington. ECF No. 15 at 1. Although diversity jurisdiction is based on citizenship, not residency, the Court presumes Plaintiff intended to allege that Brooks is a citizen of Washington.